

**REMARKS**

Claims 1-12 are pending in the application.

Claims 3-12 were allowed.

Claims 1 and 2 were rejected under 35 U.S.C. 102(e) as anticipated by Ma. et. al.

Claim 2 has been amended to more clearly define the invention.

Claim 11 has been amended to correct the spelling of one word in the claim.

Applicant respectfully requests reconsideration of claims 1 and 2 for the reasons explained below:

The cited reference (Ma, patent 5,953,338) relates to a system that accommodates multiples users. Each user has an agreement with the carrier which specifies how much bandwidth that user may utilize and the quality of service to which the user is entitled. The system described in the reference monitors bandwidth usage to insure that the terms of agreements are not violated. As stated in the Ma reference at the bottom of column 3 and top of column 4:

“Preferred embodiments of the control module generally perform the following procedure: (i) checks with the agreement to determine whether the parameter requirements of the virtual connections are compliant with the agreement, (ii) checks with the agreement governing quality of service requests to determine whether the quality of service requirements of the virtual connections are compliant with the agreement”

Thus, the Ma reference relates to checking to insure that the amount of bandwidth being use by a user, and the user's quality of service conform to an agreement that the user has with a carrier.

It should be noted that terms “quality of service” and “class of service” define two very different metrics. The terms “quality of service” and “class of service” are well known and well defined terms in the area of network communications.

Class of service is frequently referred to by the abbreviation CoS. Class of service is a queuing discipline. Frequently, packets transmitted in packet networks have CoS tags in order to classify the packets into different priority queues.

Class of service is frequently referred to by the abbreviation QoS. In general, quality of service refers to the probability of a packet successfully passing between two points in the network. QoS takes into account such things as dropped packets, network delay, out-of-order packet delivery, and errors in transmission of packets.

The Ma reference deals with bandwidth allocation and quality of service. The term Class of service is never even mentioned in the Ma reference.

The invention defined by applicant's claims 1 and 2 relates to Class of Service. Applicant's system dynamically allocates bandwidth based upon the class of service of the requests received by the system.

Claim 1 specifies:

"means for dynamically adjusting the bandwidth allocated to said data traffic and said voice traffic depending upon the class of service of said traffic".

Claim 2 (as amended) specifies

"means for dynamically allocating bandwidth for multiple streams of data traffic and for multiple streams of voice traffic drawing from said pool of trunk interconnection resources based upon the class of service of said streams of data traffic and said streams of voice traffic".

With the applicant's system the amount of bandwidth allocated to each request for bandwidth is dependent upon the class of service of the various pending and active requests. Thus, in applicant's system requests with a higher class of service can receive a priority in the allocation of bandwidth.

In summary, applicant's claims 1 and 2 relate to a system which allocates bandwidth based upon class of service. The reference on the other hand is dealing with quality of service issues. Class of service relates to characteristics of the requests themselves. Quality of service on the other hand relates to performance of the network.

In conclusion, since the reference does not teach or suggest the invention claimed in claims 1 and 2, application respectfully requests allowance of claim 1 and 2 (in addition to previously allowed claims 2 to 12).

If a telephone interview would be helpful in advancing the case, please call the undersigned at 503 222-3613 or 503-697-7844.

Respectfully submitted,

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I hereby certify that this correspondence is being transmitted to the U.S. Patent and Trademark Office via facsimile number 1-703-872-9306, on April 15, 2005.

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